

**REMARKS**

This is in response to the Office Action dated February 26, 2008.

In the Office Action the Examiner has objected to Claim 24 based on the view that the term “therebetween” is indefinite. In response, Applicant has amended Claim 24 to delete the term “therebetween”, and insert the language --by the jumper--. In view of the foregoing, withdrawal of the objection to Claim 24 is respectfully requested.

Claims 24-29, 32, 33, 35 and 36 have been rejected under 35 U.S.C. § 103(a), based upon U.S. Patent No. 5,491,418 to Alfaro et al. Claims 30, 31 and 34 have been rejected under 35 U.S.C. § 103(a) based on Alfaro, in view of EPA420-R-00-017 by Mitcham et al.

Applicant has amended the specification to confirm that OBD-I and OBD-II are automotive diagnostic standards, as is well recognized and identified elsewhere in the application, see e.g. paragraph 32.

Applicant has further amended the specification to clarify that the connector to the diagnostic device includes physical features, e.g. one or more jumpers that correlate to a specific communications protocol and/or automotive diagnostic standard. Such amendments are intended to correct any confusion or inconsistency in relation to different embodiments of the invention described in the specification. However, in the presently claimed embodiment, the cable physical features are used only to identify the automotive diagnostic standard, e.g. OBD-II, with the communications protocol being determined in accordance with a polling technique, as set forth at paragraphs 50 and 51 of the application, and elsewhere.

Applicant has amended the claims to similarly clarify the claimed embodiment of the subject invention. As set forth in the specification, the subject invention operates to use an automotive diagnostic standard specific connector, identified by a jumper connected between two of the pins. Once the standard is identified, the invention proceeds to identify communication protocols that are associated with that automotive diagnostic standard. The diagnostic device then proceeds to communicate with the vehicle diagnostic system using only the associated communication protocols, until one of the protocols is successful in establishing a communication link between the device and the on-board system. Configuration data associated with the successful communications protocol is then retrieved, and the diagnostic device is configured in accordance with that data.

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As Applicant has previously noted, the primary reference to Alfaro is directed to a device that is directed to the use of a vehicle specific connector. As understood, Alfaro does not disclose a device to be used with different diagnostic standards.

Insofar as there are hundreds or thousands of different vehicles on the road at any given time, the requirement for a vehicle specific connector, as disclosed in Alfaro, may require use of hundreds of different connectors. It also requires that the diagnostic device include a memory having hundreds of sections, each including configuration data for a specific type of vehicle. Moreover, insofar as additional vehicles are introduced each season, the device of Alfaro would need to be regularly updated for each vehicle to allow the device to recognize the specific vehicle before it would be capable of initiating a communications link. Failure to properly identify the vehicle may preclude access to the applicable communications protocol, as well as configuration data, leaving the device inoperable.

In accordance with the present invention such bottlenecks in the ability to communicate with the vehicle under test are mitigated or avoided. The invention allows a communication link to be established simply by a user recognizing a standard associated with a class of vehicles. After the standard is recognized, the device proceeds independently to identify the appropriate communication protocol, allowing a communication link between the device and the vehicle under test, without the need to first identify vehicle specific information, such as make, model, year, engine type, etc. As such, the present invention allows for establishing a far easier communication link with the vehicle, without the need for sorting through hundreds of different cables, which may be indistinguishable to a user who may not even know sufficient details about the vehicle to select an appropriate cable.

As such, the present invention is believed to present a novel and non obvious advantage in relation to the cited art. Accordingly, reconsideration of the rejection of the claims is respectfully requested.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 4/9/08 By:

  
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